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Attorney General of the State of California
DANE R. GILLETTE
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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CERIACO CABRELLIS.

Petitioner,

M.C. KRAMER, Warden,

Respondent.

C 08-1785 JSW (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER OR
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby
20 requests a 30-day enlargement of time until September 10, 2008, within which to answer the petition
21 for writ of habeas corpus in this case or file any other appropriate motion. As explained in the
22 declaration, counsel for respondent has obtained the state court appellate record and most of the
23 remaining state court record for lodging, but has been burdened by earlier-assigned cases. A
24 stipulation has not been sought because petitioner is an incarcerated state prisoner who is
25 representing himself.

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1 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
2 to and including September 10, 2008, in which to file the answer.

3 Dated: August 7, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DANE R. GILLETTE
Chief Assistant Attorney General

7 GERALD A. ENGLER
Senior Assistant Attorney General

8 PEGGY S. RUFFRA
Supervising Deputy Attorney General

11 /s/ Catherine A. Rivlin

12 CATHERINE A. RIVLIN
Supervising Deputy Attorney General
13 Attorneys for Respondent

15 Cabrellis.2EOT Appl.wpd
16 SF2008401721

DECLARATION OF SERVICE BY U.S. MAILCase Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*No.: **C 08-1785 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 8, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Ceriaco Cabrellis
 SPN# V-63705
 Folsom State Prison (950)
 P.O. Box 950
 Represa, CA 95671

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 8, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
PEGGY S. RUFFRA
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Fax: (415) 703-1234
Email: Catherine.Rivlin@doj.ca.gov
Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CERIACO CABRELLIS.

C 08-1785 JSW (PR)

Petitioner,

v.

M. C. KRAMER, Warden,

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ENLARGEMENT OF TIME**

Respondent.

I, Catherine A. Rivlin, declare under penalty of perjury as follows:

I am the California Supervising Deputy Attorney General assigned to handle the above-encaptioned case. I have obtained the appellate file and requested additional state records. I was the responsible deputy on the direct appeal and thus have familiarity with the case, issues, and facts. However the press of earlier assigned and emergency reassignment cases has prevented my devoting substantial attention to this case to date. In the most recent 30 days, I have been out of the office from July 4 through July 15, 2008, and filed respondent's (or appellee's) briefs in *People v. Parker*, A117498, and *Joseph v. Kane*, 07-15224. In addition to a full caseload, I manage a team of eleven attorneys and paralegals and critically review/edit every pleading they draft. I have not attempted to contact petitioner, who is representing himself in this proceeding, because he is incarcerated in

1 state prison and cannot be conveniently reached.

2 I declare under penalty of perjury of the laws of the State of California and the United
3 States of America that the foregoing is true and correct. Executed at San Francisco, California on
4 August 7, 2008.

5

6 Respectfully submitted,

7 EDMUND G. BROWN JR.
Attorney General of the State of California

8 DANE R. GILLETTE
Chief Assistant Attorney General

9 GERALD A. ENGLER
Senior Assistant Attorney General

10 PEGGY S. RUFFRA
Supervising Deputy Attorney General

11

12

13 /s/ Catherine A. Rivlin

14 _____
15 CATHERINE A. RIVLIN
Supervising Deputy Attorney General
16 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*

No.: **C 08-1785 JSW (PR)**

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J. Espinosa

Declarant

/s/ J. Espinosa

Signature

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CERIACO CABRELLIS,

Petitioner,

v.

M.C. KRAMER, Warden,

Respondent.

C 08-1785 JSW (PR)

ORDER

GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until September 10, 2008, to file an answer to, or responsive motion regarding, the petition for writ of habeas corpus. Petitioner may file and serve a traverse, if any, within thirty (30) days of his receipt of the answer. He may file and serve an opposition or statement of non-opposition within thirty (30) days of his receipt of a motion to dismiss, if any.

IT IS SO ORDERED.

DATED: _____

JEFFREY S. WHITE
United States District Judge

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Ceriaco Cabrellis v. M.C. Kramer, Warden*

No.: **C 08-1785 JSW (PR)**

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J. Espinosa

Declarant

/s/ J. Espinosa

Signature